

**Notice of Allowability**

Application No.

10/083,388

Applicant(s)

GREENE ET AL.

Examiner

Art Unit

Terrence R. Till

1744

**-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--**

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1.  This communication is responsive to \_\_\_\_\_.

2.  The allowed claim(s) is/are 1-33.

3.  The drawings filed on 27 February 2002 are accepted by the Examiner.

4.  Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)  All    b)  Some\*    c)  None    of the:

1.  Certified copies of the priority documents have been received.

2.  Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.

3.  Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\* Certified copies not received: \_\_\_\_\_.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

**THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.**

5.  A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.

6.  CORRECTED DRAWINGS ( as "replacement sheets") must be submitted.

(a)  including changes required by the Notice of Draftsperson's Patent Drawing Review ( PTO-948) attached  
1)  hereto or 2)  to Paper No./Mail Date \_\_\_\_\_.

(b)  including changes required by the attached Examiner's Amendment / Comment or in the Office action of  
Paper No./Mail Date \_\_\_\_\_.

**Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).**

7.  DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

**Attachment(s)**

1.  Notice of References Cited (PTO-892)

2.  Notice of Draftsperson's Patent Drawing Review (PTO-948)

3.  Information Disclosure Statements (PTO-1449 or PTO/SB/08),  
Paper No./Mail Date 3/15/2004

4.  Examiner's Comment Regarding Requirement for Deposit  
of Biological Material

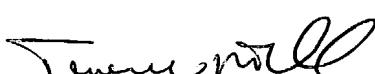
5.  Notice of Informal Patent Application (PTO-152)

6.  Interview Summary (PTO-413),  
Paper No./Mail Date 3/15/2004.

7.  Examiner's Amendment/Comment

8.  Examiner's Statement of Reasons for Allowance

9.  Other \_\_\_\_\_.

  
Terrence R. Till  
Primary Examiner  
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***Election/Restrictions***

1. The election requirement made on 3/8/2004 between the examiner and applicant's representative (C. Foley) has been withdrawn in view of the prior art and generic claim 1 being allowable.

**EXAMINER'S AMENDMENT**

2. An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with C. Foley on 3/12/2004.

The application has been amended as follows:

**In the specification:**

On page 12, paragraph 51, line 5, "22x" and "18x" have been replaced with --22n-- and --18n-- respectively.

3. The following is an examiner's statement of reasons for allowance: With respect to claims 1-4, the prior art does not disclose nor render obvious the claimed combination of subject matter of a tank truck for collecting and transporting flowable material, comprising: a tank for receiving and storing the flowable material; a suction hose connected to the tank, at least a portion of the suction hose extending into the tank; and a drive assembly engageable with the suction hose for drawing the suction hose into and out of the tank, thereby varying the length of

the suction hose outside the tank. Some of the prior art showed retractable hoses, but had no portion that extended into the tank. Other prior art could be seen as having a portion extending into the tank, but were not retractable. One could not combine their teachings, as it would be done solely in improper hindsight. With respect to claim 22, the prior art does not disclose nor render obvious the claimed combination of subject matter of a tank truck for collecting and transporting flowable material, comprising: a tank for receiving and storing the flowable material; a boom mounted on the truck and having a distal end; a suction hose supported from the boom, the suction hose being extendable from the distal end of the boom and retractable toward the tank; a drive assembly mounted on the boom and engageable with the suction hose for extending the suction hose past the distal end of the boom and retracting the suction hose toward the tank, thereby varying the length of the suction hose extended beyond the distal end of the boom; and a suction hose guide beyond the distal end of the boom, the suction hose guide including a strut having an end projecting beyond the distal end of the boom, a freely pivotal arm on the projecting end of the strut, and a pair of guide rollers mounted on the freely pivotal arm. With respect to claim 25, the prior art does not disclose nor render obvious the claimed combination of subject matter of a tank truck for collecting and transporting flowable material, comprising: a tank for receiving and storing the flowable material; a boom mounted on the truck and having a distal end; a suction hose supported from the boom, the suction hose being extendable from the distal end of the boom and retractable toward the tank; and a drive assembly mounted on the boom and engageable with the suction hose for extending the suction hose past the distal end of the boom and retracting the suction hose toward the tank, thereby varying the length of the suction hose extended beyond the distal end of the boom, the drive assembly

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comprising adjustably inflatable pneumatic tires positioned about the suction hose, and means for driving the tires in rotation to extend or retract the suction hose.

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Terrence R. Till whose telephone number is (571) 272-1280. The examiner can normally be reached on Mon. through Thurs. and every other Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert J. Warden can be reached on (571) 272-1281. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

  
Terrence R. Till  
Primary Examiner  
Art Unit 1744

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